Declaration of Kenneth Hwang

I, Kenneth Hwang, am one of 5 co-founders of GX Media, along with Dennis Fong, Lyle Fong, Joel Downs, and John Joh. GX Media created and ran Gamers.com, a web portal and infomediary for computer and console video games. Gamers.com is currently engaged in a partnership with the Ziff Davis Game Group, and provides an Internet destination for ZD magazines including *Electronic Gaming Monthly, Computer Gaming World,* and *Official U.S. Playstation Magazine.* My duties at Gamers.com involved management of the editorial and production departments, responsible for creating feature articles, reviews and previews of games, and communication with game developers and hardware manufacturers. I am also a co-founder with Dennis Fong of Firingsquad.com, a GX Media web site dedicated to news and review coverage of PC video games and hardware. My role at Firingsquad was Editor-in-chief and Site Director, and my duties included authoring game and hardware articles, and editing all game and hardware articles for publication.

I have managed the editors responsible for creating and updating the role playing games section of Gamers.com, including *Final Fantasy VIII,* and I have edited the FiringSquad review of *Final Fantasy VIII* for the PC, a direct port from the original Playstation title. I have personal knowledge of *Final Fantasy VII, VIII, IX,* and *X,* as well as numerous other games within the same genre.

Final Fantasy VIII is a role-playing game available for Sony Playstation (PSOne) and PC, in which your player characters (varying from one to three) roam a fantasy game world, solving quests and fighting enemies in a turn-based battle system. Winning battles increases the player characters' attributes and allows them to advance further into the game.

The turn-based battle system sets up the player character team and enemy team, with each team taking turns trading offensive and defensive actions. At the beginning of the "battle," a single "action" is chosen for each character on the player character team for that turn (a sequence of every character in the battle performing his or her set action); such actions can be Attack, Draw, Magic, GF, etc. Within a turn, the individual action sequences between the active character (player character or enemy) and his/her target(s) consists of a "phase." During a phase of combat, only the active character and their target(s) are in motion and interact, all others involved in the battle remain motionless, awaiting activation of their own phase. A turn is completed when all phases are completed, and a new turn then begins. A battle is completed when at the end of a turn only characters from one team remains.

Guardian Forces in Final Fantasy VIII are magical "summon" attacks available to each player character, similar in nature to the characters' use of magic or items during a battle. The player must choose a Guardian Force as a player character's attack at the beginning of a turn, and the Guardian Force then issues in lieu of a standard attack, item, or magical action. Guardian Forces appears in-game as non-interactive, fixed-length and fixed-camera angle animation sequences, where a demon is summoned and attacks the enemy characters designated by the player. Guardian Forces take time to summon, and have their own hit points," but are specifically part of a player character's repertoire of attacks; during the summon timeframe the Guardian Force's hit points "cover" for the player character's, and

once a player character is unconscious or dead, the Guardian Force is no longer available for the course of the battle.

I have carefully examined an embodiment of the present game which shows clear distinctions from the battle system used in Final Fantasy VIII. In the game, characters face off at the beginning of a battle, but during any phase of combat, any secondary player characters not directly involved in the phase carry out secondary action scenes, or "mock attacks" with any enemy characters, also not directly involved in the phase. These characters run towards each other, swing their weapons about, and parry or dodge attacks made against them, but no actual damage is being dealt in these mock attacks. This occurs while the active participants, "the first player character" and enemy characters in the phase are engaging each other and dealing real damage that directly affects the outcome of the battle. The camera angle during the phase is centered on the active participants and not the secondary action scenes, which has the added effect of making the secondary action scenes visually appear to be concurrent and independent of any command issued to the first player character. In Final Fantasy VIII, only the characters directly engaged in a phase of combat perform any actions, secondary player characters and enemy characters merely "idle," in a passive stance and position, waiting for their turn to attack.

Also, because of the difference in ranged and hand-to-hand attacks in the game, the location where the secondary player and enemy characters end up at the end of the mock attack sequence, affects the characteristics of the battle. Multiple characters may end up closely packed together, giving an advantage to attacks which affect a wide area (splash damage), or they may end up out of range of a powerful hand-to-hand attack, and be better-positioned for the next phase. The new locations of characters are carried through continuously from phase to phase, and add a significantly more complex element of strategy to the battle, despite the lack of active damage in the mock attack sequence. In Final Fantasy VIII, all characters stand in their set place spots before and after attacks; the beginning and end of each phase and each turn of the battle shows the characters exactly where they were in the beginning of the battle.
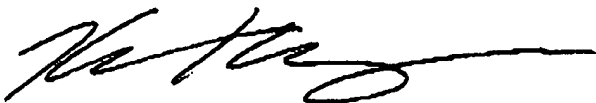
In Claim 1, the game device "displays a first action scene between a first player character and a first enemy character and a second action scene between the second player character and the second enemy character based on the predetermined camera angle to project the first player character and the first enemy character related to the predetermined command which is given to the first player character, and the predetermined command is unrelated to the second player character." The claim specifically calls for both "the first and second action scenes" to be displayed, the first within the domain of the "predetermined command" and the second unrelated to it. In comparing *Final Fantasy VIII* to the claim, *Final Fantasy VIII* only shows a first action scene between a first player character and a first enemy character (or characters) in regards to such a predetermined command. No second action scene is displayed at this time for any second player character. A "Guardian Force" attack (Declaration of examiner paragraph 2) does not involve a second player character, and is not based on the predetermined camera angle of the first player character as it resets the camera angle each time it is invoked. Furthermore, the "Guardian Force" *is* based on the predetermined command issued to the first player character, and constitutes part of the first

action scene, not a second action scene unrelated to the predetermined command given to the first player character.

I further declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed by me on October 8, 2003 at Berkeley, California.

Sincerely,

Kenneth Hwang